

DETAILED ACTION

1. This communication is in response to amendment filed 5/3/06

Response to Amendment

2. Claim 39 has been amended as per request.

Response to Arguments

3. Applicant's arguments/remarks with respect to claim 39 have been considered.

However, the presented claim fails to conform to the following requirements set forth for a claim.

Claim Rejections - 35 USC § 112

Claim 39 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim 39 is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative process. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Suggested Claim structure:

Claim 39: receiving at a computer server from at least one client system associated with an investor, a plurality of investment parameters from said investor;

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responsive to the receipt of the investment parameters, said computer server sending queries to the client system, said queries defining the investor's investment styles;

receiving, in response to the queries, receiving from said investor, user determinable market value criteria providing parameters defining said investor's investment style by choosing market value criteria comprising user determinable fundamental and technical market value criteria;

using a mathematical analysis program stored in said computer server, retrieving said user defined investment parameters and said user determinable market value criteria;

obtaining real-time investment information concerning the investments associated with the investment parameters;

said mathematical analysis program generating at least one investment portfolio and an optimal scenario portfolio, based on said investment parameters received from said investor and said investor's investment style and cash allocation consistent with at least one of investor's risk preference and risk tolerance;

wherein said generating of said optimal scenario portfolio further comprises:

setting returns on a plurality of investment style indexes as the market benchmark portfolio;

constructing said market portfolio as a linear combination of said plurality of investment style index returns;

communicating a set of stocks against the user preferences and generating a list of recommended stocks and/or number of shares of each recommended stocks to buy or sell against the existing portfolio such that list of recommended stocks form an optimum scenario portfolio.

This is a suggested format of the claim. However, the applicant is requested to incorporate additional features present in claim 39 such as "rebalancing portfolios", construction of a market portfolio" as recited in the current version.

The applicant is also requested to show where in the specification, the amended claim features are disclosed.

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Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693